



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bussemakers *et al.*

Appl. No. 09/996,953

Filed: November 30, 2001

For: **Nucleic Acid Molecules
Comprising the Promoter for
PCA3, and Uses Thereof (as
amended)**

Confirmation No. 2414

Art Unit: 1636

Examiner: Ketter, James S.

Atty. Docket: 1619.0100000/JAG/CMB

**First Supplemental Information Disclosure Statement under 37
C.F.R. § 1.97(c)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on January 2, 2002, in connection with the above-captioned application. A copy of each document is also provided.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications which are directed to related technical subject matter.

U.S. Patent Application No. 09/675,650, Busse, *et al.*, filed
September 29, 2000; (Document AS11)

U.S. Patent Application No. 60/445,436, filed February 7, 2003
(Document AT11);

U.S. Patent Application No. 09/402,713, Bussemakers, M.J., filed
October 8, 1999 (Document AR12).

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

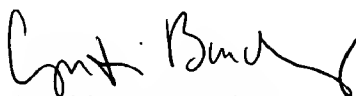
Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$ 180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

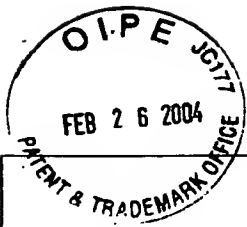
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicants
Registration No. 47,438

Date: February 26, 2004

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FORM PTO-1449 <u>FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 1619.0100000/JAG/CMB	APPLICATION NO. 09/996,953
	APPLICANT Bussemakers et al.	
	FILING DATE November 30, 2001	GROUP 1642

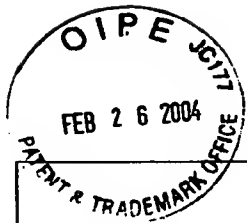
U.S. PATENT DOCUMENTS							
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM1	EP 0 160 228	11/06/1985	Europe			Yes No
	AN1	EP 0 520 794	12/30/1992	Europe			Yes No
	AO1	WO 94/09820	05/11/1994	WIPO			Yes No
	AP1	WO 95/28498	10/26/1995	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	2	Tamimi, Y., et al., DiagnoGene PCA3 reliable NASBA based reagents for detecting PCA3 mRNA, a recently described prostate marker," Proc. Am. Assoc. Cancer Res. 39:234 Poster Abstract (1998).
	AS		
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EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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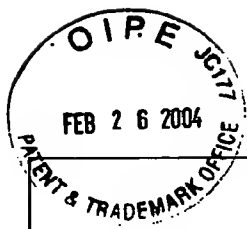
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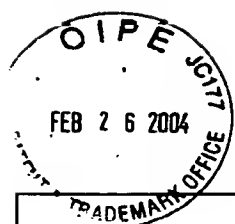
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	<u>7</u>	Bussemakers, M.J. and Isaacs, W.B., "Identification of Genes Associated with Phosphate Cancer Development," <i>Urol. Res.</i> 21:452, Abstract No. P42, Springer International (1993)
	AT	<u>7</u>	Bussemakers, M.J.G. and Isaacs, W.B., "Identification of Genes Associated with Cancer Development," <i>8th Annual Spring Meeting, Society for Basic Urologic Research</i> , one page, Society for Basic Urologic Research (1994)

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>8</u>	Bussemakers, M.J.G., et al., "Identification of DD3: A New Gene Overexpressed in Prostatic Tumors," Urol. Res. 23:253, Abstract No. 0 36, Springer International (1995)
	AS	<u>8</u>	Bussemakers, M.J.G., et al., "DD3: A New Prostate Specific Marker, Overexpressed in Prostatic Tumors," Fall Symposium, Society for Basic Urologic Research, one page, Society for Basic Urologic Research (1995)
	AT	<u>8</u>	Bussemakers, M.J.G., et al., "DD3: A New Prostate Specific Marker, Overexpressed in Prostatic Tumors," Breast and Prostate Cancer: Basic Mechanisms, Abstract No. 102, pp. 17 (1996)

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	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>2</u>	Bussemakers, M.J.G., et al., "DD3: a new prostate specific marker, overexpressed in prostatic tumors," <i>Proc. Am. Assoc. Cancer Res. Ann. Meeting</i> 37:515, Abstract No. 3522, American Association for Cancer Research (1996)
	AS	<u>2</u>	Bussemakers, M.J.G., et al., "DD3: A New Prostate Specific Marker, Overexpressed in Prostatic Tumors," <i>Meeting for the Dutch Association for Tumor Cell Biology</i> (1996)
	AT	<u>2</u>	Bussemakers, M.J.G., et al., "DD3: A New Prostate-Specific Marker, Strongly Overexpressed in Prostatic Tumors," <i>Urol. Res.</i> 25:76, Abstract No. 02.2, Springer International (1997)

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	AA1	6,261,562 B1	07/17/2001	Xu et al.			02/09/1998
	AB1	6,262,245 B1	07/17/2001	Xu et al.			02/25/1998
	AC1	2002/0022248 A1	02/21/2002	Xu et al.			01/12/2001
	AD1	2002/0035244 A1	03/21/2002	Cohen et al.			09/09/1997
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	AL						Yes No
	AM2	WO 00/04149 A2	01/27/2000	WIPO			Yes No
	AN2	WO 01/25272 A2	04/12/2001	WIPO			Yes No
	AO2	WO 01/25273 A2	04/12/2001	WIPO			Yes No
	AP2	WO 01/34802 A2	05/17/2001	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>10</u>	Bowie, J.U., "Deciphering the Message in Protein Sequences: Tolerance to Amino Acid Substitutions," <i>Science</i> 247:1306-1311, American Association for the Advancement of Science (1990)
	AS	<u>10</u>	Burgess, W.H., et al., "Possible Dissociation of the Heparin-binding and Mitogenic Activities of Heparin-binding (Acidic Fibroblast) Growth Factor-1 from Its Receptor-binding Activities by Site-directed Mutagenesis of a Single Lysine Residue," <i>J. Cell Biol.</i> 111:2129-2138, The Rockefeller University Press (1990)
	AT	<u>10</u>	Gandini, O., "Is DD3 a New Prostate-specific Gene?," <i>Anticancer Res.</i> 23:305-308, J.G. Delinassios (January-February 2003)

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	AL3	WO 01/51633 A2	07/19/2001	WIPO			Yes No
	AM3	WO 01/60860 A2	08/23/2001	WIPO			Yes No
	AN3	WO 01/73032 A2	10/04/2001	WIPO			Yes No
	AO3	WO 02/24718 A1	03/28/2002	WIPO			Yes No
	AP3	WO 02/30268 A2	04/18/2002	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>11</u>	Lazar, E., et al., "Transforming Growth Factor α : Mutation of Aspartic Acid 47 and Leucine 48 Results in Different Biological Activities," Mol. Cell. Biol. 8:1247-1252, American Society for Microbiology (1988)
	AS	<u>11</u>	Copy of Co-Pending U.S. Patent Application No. 09/675,650, Busse, et al., filed September 29, 2000 (NOT PUBLISHED)
	AT	<u>11</u>	Copy of Co-Pending U.S. Patent Application No. 60/445,436, filed February 7, 2003 (NOT PUBLISHED)

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	AR	12	Copy of Co-Pending U.S. Patent Application No. 09/402,713, Bussemakers, M.J., filed October 8, 1999 (PUBLISHED)
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